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Permanent Forum on Indigenous Issues

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Item 4 of the provisional agenda*
Implementation of the recommendations of the six mandated areas of the Permanent Forum and on the Millennium Development Goals

(a) Economic and social development

1. The Permanent Forum reconfirms that the right to water is a part of fundamental human rights and calls for the development of international standards for the use, management and regulation of water.

2. The Permanent Forum urges that the private sector and its regulators incorporate the rights of indigenous peoples, recognized in the United Nations Declaration on the Rights of Indigenous Peoples, into their plans for economic development in indigenous territories. In preparing for new ventures, governments and business should take account of the stakeholder rights of indigenous people, in particular their land rights and their broader human rights, observing the principle of free, prior and informed consent.

3. The Permanent Forum welcomes the United Nations Development Group guidelines on indigenous peoples' issues and encourages United Nations agencies to actively disseminate, promote and implement those guidelines, particularly among their country offices. In that regard, the Forum urges the Development Group to give priority to the promotion, use and implementation of the Declaration on the Rights of Indigenous Peoples as the most universal, comprehensive and fundamental instrument on indigenous peoples' rights, and to fully reflect this in the next edition of the Development Group guidelines. The Forum also recommends that donor agencies consider providing financial assistance to implement the guidelines.

4. The Permanent Forum urges States and State-owned corporations to consult and cooperate in good faith with the indigenous peoples concerned in order to obtain their free, prior and informed consent before the approval of any policies, plans and projects affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of minerals, water

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and other resources, in accordance with the Declaration on the Rights of Indigenous Peoples.

5. The Permanent Forum welcomes the global synthesis report on indicators of indigenous peoples' well-being, poverty and sustainability (E/C.19/2008/9), which is the culmination of efforts by the United Nations system and indigenous peoples' organizations over the past several years. The Permanent Forum invites the United Nations system, including the United Nations Development Group and the Inter-Agency Support Group, the donor community, States, indigenous peoples, non-governmental organizations and the private sector to use those indicators as a guide in programmes and projects directly or indirectly affecting indigenous peoples and their communities, in accordance with the standards set by the Declaration on the Rights of Indigenous Peoples.

6. The Permanent Forum once again reiterates its concern that reports developed and presented by many States on the implementation of the Millennium Development Goals and poverty reduction strategy papers still do not adequately include and address indigenous peoples, nor do they include their participation, and therefore calls on States to rectify this situation and on United Nations agencies to support their efforts. Furthermore, the Forum encourages the United Nations Development Programme (UNDP) to integrate indigenous peoples' issues into the global, regional, national and local human development reports, and in particular to include indigenous experts in preparing those reports and to guarantee that indigenous peoples' issues are mainstreamed in them.

7. In order to improve the implementation of its recommendations, the Permanent Forum calls upon United Nations agencies to ensure that there are systems in place to share information with and distribute information to indigenous peoples at the local level so that they have the opportunity to engage with the work of the United Nations at the country level and express their views and concerns and implement their policies. The Forum also encourages indigenous peoples' organizations to engage actively with the United Nations system at the country level and urges United Nations resident coordinators' offices to engage with indigenous peoples' organizations and representatives and ensure their active participation and consultation in policy dialogues at the national level.

8. The Permanent Forum commends existing small-grant schemes and programmes, since they often enable indigenous peoples' organizations to play an active role in implementing the Forum's recommendations. The Forum encourages the United Nations system to develop small-grant schemes and to increase the level of funding aimed directly at indigenous peoples and also to continue establishing mechanisms to ensure that they effectively reach and benefit indigenous peoples at the local level and provide funds directly to indigenous organizations for socioculturally appropriate project implementation.

9. The Forum urges UNDP to strengthen its institutional capacity on indigenous peoples' issues by establishing a task force to serve as a liaison mechanism between headquarters and focal points on indigenous issues at the country level. Furthermore, the Forum recommends that these focal points be specialists on indigenous peoples' issues.

10. The Permanent Forum encourages the Food and Agriculture Organization of the United Nations (FAO), jointly with other United Nations agencies, to support the

consolidation of the already established communication platforms in Latin America and Canada and to establish platforms in Asia and Africa and the Pacific. The Forum recommends that FAO and other agencies strengthen the reporting and monitoring mechanisms for the communication platforms, especially with a view to supporting indigenous peoples with a monitoring mechanism for their territories.

11. The Permanent Forum encourages FAO and other relevant agencies to favour and promote in member countries the acknowledgement and improvement of land tenure legal frameworks to recognize indigenous peoples' land rights. The Permanent Forum recommends that FAO and other relevant United Nations agencies support activities for participatory delimitation and titling where the legal framework recognizes indigenous land rights. FAO should pay special attention to indigenous peoples' customary laws regarding land.

12. The Permanent Forum recommends that the International Labour Organization (ILO) continue to work with the Permanent Forum, United Nations agencies, financial institutions, bilateral donors and other interested parties to further the inclusion of indigenous peoples' rights in high-level development policies and poverty reduction strategy papers, such as by raising indigenous peoples' issues with the Organization for Economic Cooperation and Development and its related Development Assistance Committee.

13. The Permanent Forum recommends that ILO, in accordance with the Declaration on the Rights of Indigenous Peoples, establish a mechanism for the participation of indigenous experts and representatives in the monitoring of ILO Conventions No. 169 and No. 107, regarding both State reports and indigenous peoples' claims.

14. The Permanent Forum decides to authorize a three-day international expert group workshop on indigenous peoples' rights, corporate accountability and the extractive industries and requests that the results of the meeting be reported to the Permanent Forum at its eighth session, in 2009. The report of that workshop can feed into the eighteenth and nineteenth sessions of the Commission on Sustainable Development, which will address the themes of mining, chemicals, waste management and sustainable consumption and production patterns, and contribute to the review by the eighteenth session of the Commission.

15. Considering that indigenous peoples are empowered to assume leadership in governments at various levels, particularly at the local level, the Permanent Forum urges the United Nations system, including the Department of Economic and Social Affairs, UNDP and all other relevant agencies, with the support of Member States and donor agencies, to implement, before the convening of its next session, a platform for indigenous local-local cooperation and the establishment of a network of indigenous local governments for information exchange and capacity-building on public administration, local socio-economic governance and participatory approaches to facilitate the implementation of the goals of Millennium Declaration and the United Nations development agenda at the local level among indigenous peoples in all regions.

16. The Permanent Forum requests that the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples identify the actions of

transnational corporations that may breach the inherent rights detailed in the Declaration on the Rights of Indigenous Peoples, and further invites them to present a report to the eighth session of the Permanent Forum, in 2009.

17. The Permanent Forum recommends that the Pacific Islands Forum create a mechanism for contributions by and participation of indigenous peoples' representatives in its meetings and related structures and activities.

(b) Environment

18. The Permanent Forum invites the United Nations Educational, Scientific and Cultural Organization and relevant Congo Basin States to provide at the eighth session of the Permanent Forum, in 2009, specific information on the biosphere reserves project and how they will incorporate the indigenous peoples of the Congo Basin and their respective associations into the implementation of the project.

19. The Permanent Forum urges relevant States of the Congo Basin region and the World Bank to enforce, expand and respect the moratorium on the new forest concessions in order to allow time to strengthen the capacities of indigenous peoples and civil society in the Congo Basin region, as well as local administration on new forest concessions, and to allow a participative zoning process in order to define and respect the areas that belong to the indigenous peoples for the preservation and sustainable management of the forests.

20. The Permanent Forum recommends the coordination, without financial obligations, of an expert group meeting on water to initiate a close review and assessment of water allocation, regulation and access policies that affect the rights and health of indigenous peoples and of future generations. That expert group meeting on water can explore and establish indicators of water well-being for indigenous nations and the world community, particularly in the light of increasing negative water impacts due to climate change.

21. The Permanent Forum decides to extend the appointment as Special Rapporteur of Michael Dodson, a member of the Forum, to prepare a paper on the relevant principles contained in the Declaration on the Rights of Indigenous Peoples, taking into account the provisions of ILO Conventions No. 169 and No. 107 that relate to indigenous land tenure and management arrangements, to assist indigenous peoples, States and United Nations agencies in negotiating indigenous land tenure and management arrangements and to present the paper at the eighth session of the Forum, in 2009.

22. The Permanent Forum applauds the effective participation mechanisms for indigenous peoples in such mechanisms as the Convention on Biological Diversity Working Group on article 8 (j) and related provisions and recommends that, in accordance with the Declaration on the Rights of Indigenous Peoples, such practices be extended to all critical areas of interest to indigenous peoples, such as the Working Group on Access and Benefit-sharing and in particular the Working Group on Protected Areas.

23. The Permanent Forum requests the secretariat of the Convention on Biological Diversity to complete its work on the draft code of ethical conduct for the recognition and protection of indigenous intellectual property and cultural heritage, taking into account the Declaration on the Rights of Indigenous Peoples, as a

minimum standard, with a view to adopting the code at the tenth meeting of the Conference of the Parties in 2010, the International Year of Biodiversity.

24. The Permanent Forum requests the secretariats of the Convention on Biological Diversity and the Permanent Forum to consult and collaborate with indigenous organizations to promote the role of indigenous peoples as stewards of biological and cultural diversity for the International Year of Biodiversity.

25. The Permanent Forum requests the secretariat of the Convention on Biological Diversity and the World Intellectual Property Organization to assist it in finalizing the study on sui generis systems based on customary laws for the protection of traditional knowledge with a view to advancing its protection.

26. The Permanent Forum recommends that the secretariat of the Convention on Biological Diversity explore ways of ensuring that traditional knowledge issues and indigenous peoples' rights are fully addressed in the development of an international regime on access- and benefit-sharing, welcomes the proposal of an indigenous expert meeting on traditional knowledge issues related to the international regime and requests the participation of some Permanent Forum members, as well as regional representation of indigenous experts, including indigenous female representatives.

27. The Permanent Forum welcomes the adoption of the Global Plan of Action for Animal Genetic Resources. It requests FAO to give priority to strategic priority No. 6 (support indigenous and local production systems and associated knowledge systems of importance to the maintenance and sustainable use of animal genetic resources), and to further develop relevant approaches to implement it, including rights-based approaches and payment for services that support the custodianship of local breeds by indigenous peoples.

(c) Health

28. Considering the increasing impact of climate change on the health of indigenous peoples, particularly in terms of increased vulnerability to water-borne and vector-borne disease, the World Health Organization is encouraged to actively engage the Permanent Forum and its secretariat and establish a dialogue with a view to organizing a meeting on this issue in 2009.

(d) Education

29. The Permanent Forum is profoundly concerned about the report of the Special Rapporteur on the right to education regarding the extensive child-labour practices in many States involving indigenous children, which represents a grave violation of their human rights, including their right to education.

(f) Human rights

30. The Permanent Forum reiterates its concern about information brought to its attention on continuing violations of human rights of indigenous peoples in various parts of the world and calls upon all States to fully implement their obligations under the international human rights and humanitarian instruments. The Permanent Forum reiterates its call on States to recognize the rights of indigenous peoples constitutionally and legally, to strengthen their institutions for the promotion and

protection of the human rights of indigenous peoples and to enhance awareness-raising and capacity-building efforts for government officials.

31. The Permanent Forum takes note of the upcoming World Congress of Protected Areas, to be held in Barcelona in October 2008. The Permanent Forum reiterates its recommendation to the 2003 World Congress. The Permanent Forum requests that the United Nations Declaration on the Rights of Indigenous Peoples be duly considered in the deliberations and results of the World Congress on Protected Areas, and that its participating organizations address the issues of restitution and free, prior and informed consent of indigenous peoples for conservation activities affecting indigenous lands and territories, sacred sites and indigenous peoples' conservation activities.

32. The Permanent Forum urges all States, when addressing situations of violence and abuse within indigenous communities, to do so on a non-discriminatory basis and consistent with human rights standards, the principle of free, prior and informed consent and the full and effective participation of the indigenous peoples concerned.